

**REMARKS**

The Office Action mailed July 9, 2008 notes that claims 1-10 are pending and rejects claims 1-10. Claims 1 and 9 are amended. No new matter is believed to be presented and, accordingly, approval and entry of the foregoing amendments are respectfully requested.

Claims 1-10 are pending and under consideration. Reconsideration is respectfully requested. The rejections are traversed below.

**Rejection of Claim 1 for Obviousness under 35 U.S.C. 103(a) over Horvitz (2002/0087649) in view of DeSimone (6,212,548) and further in view of Shimada (7,203,760)**

In the Office Action, on page 3, claim 1 is rejected for the reason above. This rejection is respectfully traversed.

Horvitz discusses a system and methodology for reducing the disruption costs associated with receiving a large number of e-mail messages and alerts. Further, it is the goal of Horvitz to defer messages to mitigate disruption and increase productivity. (See Horvitz, paragraph [0007] – [0008].) On page 4 of the Office Action, it is admitted that Horvitz fails to disclose “a storage unit for storing groups of data, identification data, index data corresponding to identification data, and a set of profile data, the profile data being related to the identification data” however the Office Action asserts that DeSimone teaches the above recitation. (See DeSimone, column 2, lines 30-34, column 1, lines 10-15, column 3, lines 39-42). Further, the Office Action asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine DeSimone with Horvitz “for the purpose of reducing notification disruptions.”

DeSimone discusses methods and systems for maintaining multiple simultaneous asynchronous text conversations. Further, DeSimone attempts to solve the problem related to chat rooms which limit users to participation in one multiple party chat room at a time. DeSimone also attempts to solve a limitation related to instant messaging. While users may instant message multiple people, they can only message one person at a time by using multiple windows. DeSimone solves the above problem by allowing multiple people to chat in one instant message conversation simultaneously. (See DeSimone, column 1, lines 5-15, column 2, lines 12-24, Figure 1). On page 5 of the Office Action, it is admitted that Horvitz, as modified by DeSimone fails to disclose “a method of determining an order of delivering updated first information.” However, the Office Action asserts that Shimada teaches the above recitation. (See claim 5 of Shimada and Shimada, column 14, lines 10-14).

Shimada discusses an entertainment system and server for distributing various content over a network including data for a video game, movie, news or music. The data is sent from a content provider to recipients and stored on a hard disk. Further, Shimada notes that during the day of a launch for a very popular game or music, a server may have a great number of requests from users wanting to obtain the content. Shimada provides a method of solving the above problem by preventing network congestion and by placing users in one of two queues. (See Shimada, column 1, lines 15-66).

Shimada is silent regarding **“determining an order of delivering the updated information data...when the first information data is updated.”** Shimada discusses not allowing a user to download a newly launched popular piece of data such as a video game according to the user’s schedule if the user does not have a high enough member level by requiring users to download according to a preset schedule set by the server but does not dynamically determine an order of delivering the updated information data, for example, by using priorities. (Compare Shimada Figure 6 with Application, Figure 21, S2106). Shimada does not teach **“determining an order of delivering...when the first information data is updated”** but merely places the user in one of two queues when a brand new download is first launched. In other words, claim 1 is related to determining an order of delivering data that is updated, rather placing users in one of two download queues when data is newly launched. In light of the above discussion, it is respectfully submitted that nothing cited in the Office Action is presented which teaches

**means for determining an order of delivering the updated information data to the second user terminal** according to the profile data acquired by reference to the second group of data in said storage unit **when the first information data is updated.**

In addition, the Office Action admits that Horvitz fails to disclose “user terminals, groups of users, or sets of two or more user groups, data and devices.” However, this is not a recitation of claim 1. The Applicant requests clarification in the next Office Action.

As stated in MPEP 706.02(j) and 2142, “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations (Emphasis added).

It is respectfully submitted that the combination of the references do not teach all the

claim limitations of claim 1. The Office Action's alleged teachings do not refer to claim recitations in verbatim of claim 1; rather they refer to paraphrased limitations of claim 1. It is submitted that the references must teach or suggest all of the claim limitations. Thus, withdrawal of the rejection is requested.

Further, as commonly understood, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art, "by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." In re Fritch, 23 USPQ 2d 1780, 1783 (Fed. Cir. 1992).

The rejection is respectfully traversed because one of ordinary skill in the art at the time of the invention would not have been led to combine Horvitz with DeSimone to teach claim 1 as asserted by the Office Action in order to "to reduce notification disruptions." Horvitz discusses mitigating disruption by e-mail and instant messages and DeSimone is related reducing multiple instant messages into a multi-person instant message. However, one of ordinary skill would not have been led to combine the two in order to teach claim 1. In other words, while claim 1 is related to providing users with as many notifications as possible each time an update occurs, the combination of Horvitz and DeSimone, as asserted by the Examiner relates to reducing a number of messages, a completely opposite result.

Withdrawal of the rejection is requested.

**Rejection of Claims 2 and 4 for Obviousness under 35 U.S.C. 103(a) over Horvitz in view of DeSimone in further in view of Shimada and in further view of Kall (2004/0180669)**

Dependent claims 2 and 4 depend from the above discussed independent claim and thus patentably distinguish over the cited references for at least the reasons discussed above.

**Rejection of Claim 3 for Obviousness under 35 U.S.C. 103(a) over Horvitz in view of DeSimone further in view of Shimada and further in view of Crandall (2002/0029291)**

Dependent claim 3 depends from the above discussed independent claim and thus patentably distinguishes over the cited references for at least the reasons discussed above.

**Rejection of Claim 5 for Obviousness under 35 U.S.C. 103(a) over Horvitz in view of DeSimone further in view of Shimada and further in view of Schneider (6,442,549)**

Dependent claim 5 depends from the above discussed independent claim and thus patentably distinguishes over the cited references for at least the reasons discussed above.

**Rejection of Claim 6 for Obviousness under 35 U.S.C. 103(a) over Horvitz in view of DeSimone further in view of Shimada further in view of Schneider and further in view of Iwata (2003/0008679)**

Dependent claim 6 depends from the above discussed independent claim and thus patentably distinguishes over the cited references for at least the reasons discussed above.

**Rejection of Claim 7 for Obviousness under 35 U.S.C. 103(a) over Horvitz in view of DeSimone further in view of Shimada and further in view of Hoshi (6,980,977)**

Dependent claim 7 depends from the above discussed independent claim and thus patentably distinguishes over the cited references for at least the reasons discussed above.

**Rejection of Claim 8 for Obviousness under 35 U.S.C. 103(a) over Horvitz in view of DeSimone further in view of Shimada and further in view of Erdelyi (6,631,522)**

Dependent claim 8 depends from the above discussed independent claim and thus patentably distinguishes over the cited references for at least the reasons discussed above.

**Rejection of Claim 9 for Obviousness under 35 U.S.C. 103(a) over Park (7,158,805) further in view of Shimada and further in view of Erdelyi**

Independent claim 9, as amended, recites similarly to independent claim 1 and thus patentably distinguishes over the cited references for at least the reasons discussed above.

Further, in the rejection on page 18 of the Office Action, the Office Action recites "Park fails to disclose a method for indexing, sorting, or displaying a video database comprising indexing information in a database, or storing user attribute information in a profile." The Applicant requests clarification in the next Office Action as this recitation is not in claim 9.

**Rejection of Claim 10 for Obviousness under 35 U.S.C. 103(a) over Park in view of Erdelyi in further view of Shimada and further in view Hoshi**

Dependent claim 10 depends from the above discussed independent claim and thus patentably distinguishes over the cited references for at least the reasons discussed above.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any forma matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Docket No.: 121.1063


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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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